



STATE OF DELAWARE  
DEPARTMENT OF AGRICULTURE  
**DELAWARE HARNESS RACING COMMISSION**  
2320 SOUTH DUPONT HIGHWAY  
DOVER, DELAWARE 19901

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**Minutes of the Meeting Held  
March 10, 2009**

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The Delaware Harness Racing Commission met for a meeting at Dover Downs,  
Dover, Delaware at 10:15 a.m. on Tuesday, March 10, 2009.

**Commission Members Present**

|                                   |                                  |
|-----------------------------------|----------------------------------|
| Beth Steele, Chairman             | George P. Staats, Commissioner   |
| Robert B. Brown, Commissioner     | Kenneth Williamson, Commissioner |
| Mary Ann Lambertson, Commissioner |                                  |

**Others Present**

|  |   |
|--|---|
| Andrew Kerber, Deputy Attorney General         | Brian Manges, Investigator                  |
| Charles Lockhart, VP, Horse Racing, D. Downs   | Scott Egger, Presiding Judge                |
| John Hensley, Sr. Dir., Horse Racing, D. Downs | Dr. Annie Renzetti, Chief DHRC Veterinarian |
| Salvatore DiMario, Executive Director, DSOA    | Hugh J. Gallagher, Administrator of Racing  |
| James Boese, General Manager, HRI              | Jo-Ann Price, Paralegal                     |
| Karen Craft, Facilities Manager, HRI           | Frances E. West, DSOA                       |
| Judy Davis-Wilson, DSBF                        | Dr. Emily Galloway, DHRC Veterinarian       |
| Mark Davis, Exec. Sec., DDA                    | Ed Kee, Secretary of Agriculture            |

**CALL TO ORDER &  
WELCOME**

Chairman Steele called the public session of the meeting to order at 10:23 a.m. and welcomed those in attendance.

**APPROVAL OF MINUTES**

Commissioner Brown made a Motion to approve the February 10, 2009 DHRC Minutes as written. Commissioner Lambertson seconded, and the Motion passed unanimously.



**OLD BUSINESS**

✓ **Rules Order**

The Commissioners signed the Final Order for Rule 9, which will become effective on April 11, 2009.

**NEW BUSINESS**

✓ **Saddle Pads for HRI**

Per the Administrator's request, Ms. Craft displayed the new saddle pads, whose larger design will help prevent whipping violations. Mr. Gallagher added that Dover Downs also has larger saddle pads than they did previously.

✓ **Rule 10**

These proposed changes to Rule 10 came to the Commission at the recommendation of the Rules Committee and include Mr. Kerber's new proposed language for *pro hac vice* admissions. There was no objection; Commissioner Williamson moved that they be published for public comment in a hearing to be scheduled in May, Commissioner Staats seconded the Motion, and it passed unanimously.

✓ **Kenneth Mitchell application**

Mr. Manges reported an application was received from Kenneth Mitchell, who was previously licensed, but the term of his license expired while he was under indictment. Mr. Kerber explained that his charges were *nolle prosequi*; he spoke to the criminal AG who confirmed his charges will not go forward. DHRC rules (5.1.1.6.1 – 5.1.16.3) provide for denying a license due to a licensee having a conviction of a felony or any law regarding controlled dangerous substances. Also, Rule 5.1.16.1.10 allows for a denial for a person whose conduct may interfere with the orderly conduct of a race meeting. Mr. Kerber is not suggesting this is the conclusion that should be reached, but this is consistent with the last gentleman's case, which had a conviction for an old sex offense. With respect to Mr. Mitchell, we may have to also have him come before the Commission before a license is granted. This situation is different, the underlying facts are different, this arrest also occurred on Commission grounds. There is a provision in our rules for the judges to refer matters directly to the Commission. After discussion of the facts, the Commission generally felt that Mr. Mitchell should come before it. Mr. Gallagher will compile all data from USTA database and present it to the Commissioners.

Commissioner Staats made a Motion for Mr. Mitchell to come before the Commission, Commissioner Williamson seconded; the Motion passed unanimously. Mr. Mitchell will be noticed for the next meeting.

**REPORTS**

▪ **Administrator's**

Mr. Gallagher reported there is a study of the structure of our current fees and fines. During the month of February we collected just over \$6,000 in licenses and \$6,000 in fines. This directive came indirectly from the Governor's office, and was discussed at a DDA staff meeting. All the current levels are accurate; we need to look at all jurisdictions to see what they are doing, and get input from the DSOA and the public. Mr. DiMario commented there is a revenue stream that should take care of that—he really has a problem with them raising fees. Chairman Steele clarified that the Epilogue language dictates the change. Mr. Lockhart added that in over 1 million dollars, 14.7% of those costs come from the horsemen. The allocation is actually less than 10% from the horsemen. The Epilogue language says for it is for the "expenses of the commission." Mark Davis explained that the State is looking at everything; we are also looking at areas where we don't charge fees to see if we need to. Mr. Gallagher said it's not just harness racing or racing, it's

all across the board at agriculture; we are looking at license fees across the country, including Ontario. All of the DHRC's funding is ASF. Commissioner Staats commented everyone in business is being charged more to do business every day; Commissioner Brown said they're just guessing there's a 600 million dollars deficit; it could get worse. He's on the liquor board and the board of the credit union; they had to raise fees.

▪ **Presiding Judge's**

Mr. Egger reported everything's wonderful since Mr. Kasemeyer's been on board. He has been a great help.

▪ **Chief Veterinarian's**

Dr. Annie Renzetti reported last week during a race a horse collapsed and died on the track of a cardiac arrhythmia. Also, an intern in her fourth year of study has been learning about standardbreds at the track. She's from Hockessin and contacted Dr. Renzetti directly. Chairman Steele said it would be a good thing to continue pursuing internships at the tracks.

**PUBLIC COMMENT**

✓ **Heart arrhythmias**

Dr. Jay Baldwin reported there was a rash of heart arrhythmias at Chester Downs: 2-3 deaths of horses at races and qualifiers. They started checking horses' hearts after warm ups, but before they raced. Several

horses were scratched that had arrhythmias. They will extend the cardiac screening program. He met with the NBC cardiac unit. They will screen a significant number (not every) horse. This policy did not extend to this area. Six-eight horses were scratched between October and the end of December. These arrhythmias seem to come in bunches, usually as a result of a new pre-race medicine, and then it goes away, as people realize they do more harm than good. The trainers who were notified did not want to scratch their horses. Lasix is always a risk factor, as it tends to deplete calcium, but several of the horses who developed serious arrhythmias were not on Lasix or Amicar. He mentioned it because you may be hearing more about arrhythmias.

✓ **Steroids**

Commissioner Brown asked Dr. Baldwin if he's noticed any changes with steroids. Dr. Baldwin explained that with the exception of intact stallions, you can tell by touching them – they're like a brick wall. Steroid use is less here since other states have started testing, especially in mares. Mr. Gallagher said the DHRC will make the announcement to withdraw, but we have to have a rule in place before we can test. He will have a proposed rule for the April Rules Committee meeting. An announcement could be made at the horsemen's

meeting at Harrington Raceway. Further discussion included: if a separate rule is necessary, the current method of testing (testing in blood and confirming in urine), having a schedule of penalties which would liberate us from the RCI classification, the Florida study on plasma, Dr. Maylin's agreement that testing with blood is the right way, this is the way Pennsylvania and the majority of states are going, and our current testing schedules.

**ADJOURNMENT TO EXECUTIVE SESSION**

At 11:15 a.m., Commissioner Brown moved to adjourn to Executive Session to discuss personnel issues, Commissioner Lambertson seconded, and the Motion passed unanimously.

**UPCOMING EVENTS**

**DHRC Meeting**

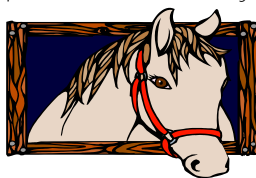
04/21/09 – 10:15 a.m.,  
Harrington Raceway

**Rules Committee**

04/07/09 - 10:15 a.m. DDA,  
Secretary's Conference Rm.

**ADJOURNMENT**

At 11:53 a.m., having no further business, Commissioner Brown moved to adjourn, Commissioner Williamson seconded, and the Motion passed unanimously.



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